CONTENTS

PREFACE ix
Dennis J. Hutchinson, David A. Strauss, and Geoffrey R. Stone

THROUGH STREETS BROAD AND NARROW: SIX "CENTRIST" JUSTICES ON THE PATHS TO INCLUSION 1
Kenneth L. Karst

HARRY KALVEN AND KENNETH KARST IN *THE SUPREME COURT REVIEW*: REFLECTIONS AFTER FIFTY YEARS 35
Mark Tushnet

THE GRAVITATIONAL PULL OF RACE ON THE WARREN COURT 59
Burt Neuborne

IS THE SUPREME COURT A "MAJORITARIAN" INSTITUTION? 103
Richard H. Pildes

THE GAY AND THE ANGRY: THE SUPREME COURT AND THE BATTLES SURROUNDING SAME-SEX MARRIAGE 159
Pamela S. Karlan

INTERNATIONAL LAW AND THE U.S. COMMON LAW OF FOREIGN OFFICIAL IMMUNITY 213
Curtis A. Bradley and Laurence R. Helfer

REGULATING PATENTS 275
Jonathan S. Masur

"'DEATH IS DIFFERENT' NO LONGER": GRAHAM V FLORIDA AND THE FUTURE OF EIGHTH AMENDMENT CHALLENGES TO NONCAPITAL SENTENCES 327
Alison Siegler and Barry Sullivan

UNDERSTANDING SUPREME COURT CONFIRMATIONS 381
Geoffrey R. Stone